INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

A. PROJECT DESCRIPTION

1. **Project Title:** Infineon Raceway Legacy Tire Removal Project

2. **Lead Agency Name and Address:** California Integrated Waste Management Board
1001 I Street
Sacramento, California 95814

3. **Contact Person and Phone Number:** Wes Mindermann, P.E., Senior Engineer
(916) 341-6314

4. **Project Location:** Infineon Raceway is located south of the town of Sonoma, at the intersection of Highways 121 and 37 in Sonoma County, California. Approximately 1,591 acres are owned and operated by Infineon Raceway.

5. **Project Sponsor's Name and Address:** Infineon Raceway
Highway 121 at Highway 37
Sonoma, California 95476

6. **General Plan Designation:** General Plan Land Use Policy LU-17g

7. **Zoning:** Recreation and Visitor Serving Commercial (K), Land Extensive Agriculture (LEA) Scenic Resources Combining (SR), Diverse Agriculture (DA)

8. **Description of Project:** The California Integrated Waste Management Board has directed Infineon Raceway to remove ten tire piles on property commonly known as Lakeville Property in southern Sonoma County. The Legacy Tire Program was codified by the State Legislature when it amended Title 14 of California Code of Regulations to require property owners to remove (abandoned) tires from all properties in California (for sites containing 500 or more tires) regardless of any prior reason for the tires being on the property. The State Legislature designated the Integrated Waste Management Board as the implementing agency for the Legacy Tire Project. The tire piles are ordered for removal due to the potential threat to health and human safety as potential hazardous waste release if burned and as potential mosquito breeding habitat.

   Ten tire piles with an estimated 10,000 individual tires were originally deposited under guidance of the U.S. Soil Conservation Service (now Natural Resource Conservation Service) to prevent soil loss in many of the naturally erosive gullies. Removal of the tires will restore the gullies to their natural conditions matching the downstream and nearby channel features that do not contain tires.

   All work will occur during the summer months when no surface water is present. Equipment will access each tire site by driving though upland non-native grass habitats. Creation of temporary access roads may be required to allow for wheeled vehicle access due to the grade at several tire pile locations. A tracked excavator will remove loose tires primarily working from the top-of-bank. A loader will transfer tires to a truck for offsite disposal. Partially imbedded tires will be removed by hand laborers in conjunction with the excavator. Specific effort will be made to not impact the existing substrate other than at individual locations of imbedded tires. All ground disturbances will be restored to existing grade and stabilized using current standards and methods to prevent immediate post project erosion and soil loss. These methods will

include: native mix hydroseed, geotextiles and if needed minor topographic alterations. Restoration will be site specific and will vary depending on site conditions. There will be no importation of fill and no attempt to permanently stabilize the highly incised gullies other than to prevent near term surface erosion and siltation.

9. **Surrounding Land Uses and Setting:** The 867 acres west of the main raceway complex, commonly called the "Lakeville Property," was purchased during the Raceway Master Plan Improvement project to provide a guaranteed secondary access road to the raceway facility from Highway 116 (Lakeville Highway), and for other proposed raceway improvements/uses that include a wetlands mitigation area, a waste water treatment and storage pond, construction of a "will-call" trailer, temporary event parking areas, and an area where trailers can be parked during events.

   The project site extends from the foot of gently rolling hills immediately adjacent to Highway 121 at an elevation of approximately 10 feet above mean sea level, and slopes up to the west to its highest point at approximately 673 feet. It then slopes down to the west to an elevation of approximately eight feet where the property meets Lakeville Highway. Non-native annual grassland is the dominant plant community.

10. **Other public agencies whose approval is required:** U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game, and San Francisco Bay Regional Water Quality Control Board.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant with Mitigation" as indicated by the checklist on the following pages.

[ ] **Land Use and Planning**	[ ] **Transportation/Circulation**	[ ] **Public Services**
[ ] **Agricultural Resources**	[√] **Biological Resources**	[ ] **Utility Systems**
[ ] **Population and Housing**	[ ] **Energy and Mineral Resources**	[ ] **Aesthetics**
[√] **Geologic Problems**	[ ] **Hazards**	[√] **Cultural Resources**
[√] **Water**	[ ] **Noise**	[ ] **Recreation**
[√] **Air Quality**	[√] **Mandatory Findings of Significance** (see end of checklist)	

C. DETERMINATION

On the basis of this initial evaluation:

[ ] I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

[x] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions have been made by or agreed to by the applicant to incorporate mitigation measures. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

[ ] I find that although the proposed project could have a significant effect on the environment, all potentially significant effects (a) have been analyzed adequately in an **EARLIER EIR** pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. Therefore, no further analysis is required.

[ ] I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required. The analysis will focus on issue areas which have been identified as having a "Potentially Significant Impact" warranting detailed analysis of impacts, mitigation and alternatives, and for issue areas with "Unknown Effects" for which inadequate information exists at this time to make a determination.

05/08/2009

Signature Date

WEB MINDERMANN SWME

Printed Name Title

D. EVALUATION OF ENVIRONMENTAL EFFECTS[1]

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
1.	**LAND USE AND PLANNING.** Would the proposal:				
a)	Conflict with the general plan designation or zoning?	[ ]	[ ]	[x]	[ ]
b)	Conflict with applicable plans or policies adopted by agencies with jurisdiction over the project?	[ ]	[ ]	[x]	[ ]
c)	Be incompatible with existing land use in the vicinity?	[ ]	[ ]	[x]	[ ]
d)	Disrupt or divide the physical arrangement of an established community?	[ ]	[ ]	[x]	[ ]

Comments:

a) *No Impact.* The project will not alter the existing land use and will not conflict with any general plan designation or zoning.

b) *No Impact.* Project conforms to current policies and plans adopted by agencies with jurisdiction over the project.

c) *No Impact.* The proposed project will not alter the existing land use.

d) *No Impact.* The proposed project is not within an established community.

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[1] A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

"Potentially Significant Impact" is appropriate if there is substantial evidence leading to a fair argument that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made without the possibility of mitigation, then an EIR is required.

"Less Than Significant w/ Mitigation" applies where the incorporation of mitigation measures may reduce an effect from "Potentially Significant Impact" to a "Less than Significant Impact." Mitigation measures and a brief explanation of how or whether they reduce the effect to a less than significant level is provided in the text of this report.

Earlier analyses may be used where, pursuant to tiering, Program EIR, Master EIR, or other CEQA processes, an effect has been adequately analyzed in an earlier EIR or negative declaration. [Section 15063(c)(3)(D).] Earlier analyses are discussed in Section G at the end of the checklist.

This checklist incorporates references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document includes, where appropriate, a reference to the page or pages where the statement is substantiated. A source list is attached, and other sources used or individuals contacted are cited in the discussion.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
2.	**AGRICULTURE RESOURCES.** Would the proposal:				
a)	Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use?	[ ]	[ ]	[x]	[ ]
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	[ ]	[ ]	[x]	[ ]
c)	Convert surrounding agricultural land to non-agricultural use?	[ ]	[ ]	[x]	[ ]

Comments:

a) *No Impact.* The proposed project would not convert any farmland or agricultural land to non-agricultural use.

b) *No Impact.* The proposed project will not conflict with existing zoning or agriculture use.

c) *No Impact.* The proposed project will not change or alter land use.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
3.	**POPULATION AND HOUSING.** Would the proposal:				
a)	Cumulatively exceed official regional or local population projections?	[ ]	[ ]	[x]	[ ]
b)	Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)?	[ ]	[ ]	[x]	[ ]
c)	Displace existing housing, business, or other uses?	[ ]	[ ]	[x]	[ ]

Comments:

a) *No Impact.* The proposed project does not involve the provision of any residential units, and would have no effects related to population growth.

b) *No Impact.* The proposed project would not induce growth.

c) *No Impact.* No existing housing units, businesses or other uses would be displaced as part of the proposed project.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
4.	**GEOLOGIC PROBLEMS.** Would the proposal result in or expose people to potential impacts involving:				
a)	Fault rupture?	[ ]	[ ]	[x]	[ ]
b)	Seismic ground shaking?	[ ]	[ ]	[x]	[ ]
c)	Seismic ground failure, including liquefaction?	[ ]	[ ]	[x]	[ ]
d)	Seiche, tsunami, or volcanic hazard?	[ ]	[ ]	[x]	[ ]
e)	Landslides or mudflows?	[ ]	[ ]	[x]	[ ]
f)	Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	[ ]	[x]	[ ]	[ ]
g)	Subsidence of the land?	[ ]	[ ]	[x]	[ ]
h)	Expansive soils?	[ ]	[ ]	[x]	[ ]
i)	Unique geologic or physical features?	[ ]	[ ]	[x]	[ ]

Comments:

(a)-(d) *No Impact.* These potential impacts are not applicable to the proposed project as there will be no structures or features subject to geologic or hydrologic events.

(e) *No Impact.* There is no potential for the project to cause or be affected by landslide or mudflows.

(f) *Less than Significant with Mitigation.* No fill will be introduced. No excavation will occur. The proposed tire removal project has the potential to result in some soil erosion during project execution associated with vegetation removal, preparation of staging areas, vehicular traffic on unpaved roads, removal of tires from the drainage, and minor surface grading to restore the existing drainage grade and create suitable conditions for the use of geotextile fabric and hydroseed. However, the implementation of provisions included in the Storm Water Pollution Prevention Program (*in preparation*) that will be required by the Regional Water Quality Control Board would reduce potential impacts associated with erosion and the loss of topsoil to a level of less than significant. Restoration of the project site through installation of a geotextile fabric and hydroseeding aid will aid in the control of erosion following project completion.

(g) *No Impact.* There is no potential for subsidence of land.

(h) *No Impact.* Although expansive soils may be present at the site, no structures are proposed.

(i) *No Impact.* There are no unique geologic or physical features in the project area.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
5.	**WATER**. Would the proposal result in:				
a)	Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	[ ]	[ ]	[x]	[ ]
b)	Exposure of people or property to water related hazards such as flooding?	[ ]	[ ]	[x]	[ ]
c)	Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)?	[ ]	[x]	[ ]	[ ]
d)	Changes in the amount of surface water in any water body?	[ ]	[ ]	[x]	[ ]
e)	Changes in currents, or the course or direction of water movements?	[ ]	[ ]	[x]	[ ]
f)	Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations, or through substantial loss of groundwater recharge capability?	[ ]	[ ]	[x]	[ ]
g)	Altered direction or rate of flow of groundwater?	[ ]	[ ]	[x]	[ ]
h)	Impacts to groundwater quality?	[ ]	[ ]	[x]	[ ]
i)	Substantial reduction in the amount of groundwater otherwise available for public water supplies?	[ ]	[ ]	[x]	[ ]

Comments:

(a) *Less than Significant.* The project will remove tires originally deposited to reduce erosion in the several incised channels. Although the removal of tires has the potential to affect runoff rate at various sections along the drainage, the project will restore the channels to a natural state.

(b) *No Impact.* The proposed project would not affect local or regional flooding.

(c) *Less than Significant with Mitigation.* During construction activity, compliance with the provisions of the Storm Water Pollution Prevention Plan required by the Regional Water Quality Control Board would be expected to prevent project-related violations of water quality standards. These provisions will include the appropriate use of silt fence, hay waddles, and/or hay bales. In addition, all fueling and maintenance of equipment and vehicles, and staging areas will be at least 100 feet from a creek, or as far away as available space allows. The project proponent will ensure that contamination of habitat does not occur and will implement appropriate spill prevention measures in accordance with the project work plan and health and safety plan.

(d) *No Impact.* The proposed project would not alter any existing surface body of water.

(e) *No Impact.* The proposed project would not alter currents or water movement in any body of water.

(f) *No Impact.* The proposed project would not require the use of groundwater and would not be expected to interfere substantially with groundwater recharge patterns.

(g) *No Impact.* The proposed project would not require the use of groundwater and would not be expected to interfere substantially with groundwater direction or flow.

(h) *No Impact.* The proposed project would not require the use of groundwater and would not be expected to substantially affect groundwater quality.

(i) *No Impact.* The proposed project would not require the use of groundwater.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
6.	**AIR QUALITY**. Would the proposal:				
a)	Violate any air quality standard or contribute to an existing or projected air quality violation?	[ ]	[x]	[ ]	[ ]
b)	Expose sensitive receptors to pollutants?	[ ]	[ ]	[x]	[ ]
c)	Alter air movement, moisture, or temperature, or cause any change in climate?	[ ]	[ ]	[x]	[ ]
d)	Create objectionable odors?	[ ]	[ ]	[x]	[ ]

Comments:

(a) *Less than Significant with Mitigation.* The proposed tire removal project would not conflict with or obstruct implementation of the Bay Area Air Quality Management District 2000 Clean Air Plan. During tire removal and restoration, dust emissions could temporarily contribute to a violation of the current standard for particulate matter (PM-10) unless appropriate dust control measures identified by BAAQMD are effectively implemented in the construction areas. PM10 emissions can result from a variety of construction activities including clearing and grubbing, grading, and vehicle travel on unpaved surfaces. Construction related emissions can cause incremental increases in localized concentrations of PM10. The BAAQMD approach to CEQA analysis of construction impacts is to emphasize implementation of effective control measures. Fugitive dust emissions will primarily involve engineering controls, such as the application of water, and best practices, such as limiting vehicle traffic on unpaved roads to 10 miles per hour. A portable water trailer and water truck will be onsite for dust suppression. The effectiveness of dust control measures will be monitored based on visual observation and hand held field meters. Dust control measures will be implemented in accordance with the contractor's work plan and health and safety plan.

(b) *No Impact.* There are no sensitive receptors that could be affected by the project and no airborne pollutants are expected from the site.

(c) *No Impact.* The proposed project will not impact or alter air movement, moisture, temperature, or cause any change in climate.

(d) *Less than Significant.* The proposed project will not create objectionable odors that could potentially affect a substantial number of people. Construction workers may notice minor odors during tire removal activities. However, the potential impact due to objectionable odors from project activities would be temporary and limited in extent.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
7.	**TRANSPORTATION/CIRCULATION**. Would the proposal result in:				
a)	Increased vehicle trips or traffic congestion?	[ ]	[ ]	[x]	[ ]
b)	Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	[ ]	[ ]	[x]	[ ]
c)	Inadequate emergency access or access to nearby uses?	[ ]	[ ]	[x]	[ ]
d)	Insufficient parking capacity on-site or off-site?	[ ]	[ ]	[x]	[ ]
e)	Hazards or barriers for pedestrians or bicyclists?	[ ]	[ ]	[x]	[ ]
f)	Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	[ ]	[ ]	[x]	[ ]
g)	Rail, waterborne or air traffic impacts?	[ ]	[ ]	[x]	[ ]

Comments:

(a) *Less than Significant.* It is estimated that tire removal activities will require approximately 10 trucks per day. This minor amount of additional truck traffic related to the proposed project will be temporary and should not have an effect on daily traffic. The selected transportation routes are primarily on Interstate and State highways and were chosen to minimize traffic over city streets and residential areas.

(b) *No Impact.* The proposed project will not increase hazards to safety from design features or incompatible uses.

(c) *No Impact.* Emergency access to the proposed project area will not be affected.

(d) *No Impact.* Parking capacity within the project area will not be affected.

(e) *No Impact.* The proposed project will not pose a hazard or barrier for pedestrians or cyclists. The selected transportation routes are primarily on Interstate and State highways and were chosen to minimize traffic over city streets and residential areas. Vehicle traffic entering and leaving the project area are expected to comply with all applicable traffic safety laws.

(f) *No Impact.* The proposed project will not conflict with adopted policies supporting alternative transportation.

(g) *No Impact.* The proposed project will not cause rail, waterborne or air traffic impacts.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
8.	**BIOLOGICAL RESOURCES.** Would the proposal result in impacts to:				
a)	Endangered, threatened, or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	[ ]	[x]	[ ]	[ ]
b)	Locally designated species (e.g., heritage trees)?	[ ]	[ ]	[x]	[ ]
c)	Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	[ ]	[x]	[ ]	[ ]
d)	Wetland habitat (e.g., marsh, riparian, and vernal pool)?	[ ]	[ ]	[x]	[ ]
e)	Wildlife dispersal or migration corridors?	[ ]	[ ]	[x]	[ ]

Comments:

(a) *Less than Significant with Mitigation.*

Impact 1. Tree Nesting Raptors

Suitable nesting habitat for white-tailed kite, red-tailed hawk, red-shouldered hawk, and golden eagle occurs adjacent to the tire sites. All of these raptors (that is, birds of prey) are also protected under the Migratory Bird Treaty Act (50 CFR 10.13) and their nest, eggs, and young are protected under California Fish and Game Code Sections 3503, 3503.5. Any project-related impacts to these species or their habitat would be considered a significant adverse impact. Potential impacts to these species from the proposed project include loss of nesting habitat, disturbance to nesting birds, and possibly death of adults and/or young. No nesting raptors (birds of prey) have been identified on the proposed project site; however, no specific surveys for nesting raptors have been conducted. As such, in the absence of survey results, it must be concluded that impacts to tree nesting raptors from the proposed project would be **potentially significant.** This impact could be mitigated to a level considered less than significant pursuant to CEQA.

Mitigation Measure 1. Tree Nesting Raptors

In order to avoid impacts to nesting raptors, a nesting survey shall be conducted 30 days prior to commencing with construction work if this work would commence between March 15th and August 31st. The raptor nesting surveys shall include examination of all trees within 500 feet of the tire sites.

If nesting raptors are identified during the surveys, the dripline of the nest tree must be fenced with orange construction fencing, and a 300-foot radius around the nest tree must be staked with bright orange construction fencing. If the tree is adjacent to the project site then the buffer shall be demarcated per above where the buffer occurs on the project site. The size of the buffer may be altered if a qualified raptor biologist conducts behavioral observations and determines the nesting raptors are well acclimated to disturbance. If this occurs, the raptor

biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting raptors. No activity shall occur within the established buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 1st. This date may be earlier than August 1, or later, and would have to be determined by a qualified raptor biologist. This mitigation would reduce impacts to nesting raptors to a level considered less than significant.

Impact 2. Western Burrowing Owl

The western burrowing owl is a state species of special concern. This owl is protected pursuant to the Federal Migratory Bird Treaty Act and the California Fish and Game Code §3503, 3503.5, 3800, 3513. The burrowing owl has not been identified nesting on the project site. However, since this owl and ground squirrels are known from the area, and thus could nest or reside in the project area in the future when the proposed project is implemented, impacts to western burrowing owl would be regarded as potentially significant and adverse. Such an impact could be mitigated to a level considered less than significant pursuant to CEQA.

Mitigation Measure 2. Western Burrowing Owl

A) Surveys shall be conducted for western burrowing owl. The burrowing owl surveys shall be conducted in accordance with the survey requirements detailed in the CDFG's October 17, 1995 *Staff Report on Burrowing Owl Mitigation.* Surveys shall be conducted in both the breeding season (April 15-July 15) and non-breeding season (December-January) to assess use of the tire sites by this species. If burrowing owls are present on the project site during the breeding season (peak of the breeding season is April 15 through July 15), and appear to be engaged in nesting behavior, a fenced 75 meter (276-foot) buffer would be required between the nest site(s) (i.e., the active burrow(s)) and any earth-moving activity or other disturbance within the project site. This 276-foot buffer could be removed once it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest). Typically, the young fledge by August 31. This date may be earlier than August 31, or later, and would have to be determined by a qualified raptor biologist.

   Additionally, if burrowing owls are identified nesting onsite and would be affected by the proposed project, an upland mitigation area for burrowing owls shall be established either on- or offsite. The mitigation site must be determined to be suitable by a qualified biologist and with oversight provided by CDFG. The size of the required mitigation site shall be based on the number of burrowing owls that would be affected by the proposed project, with a minimum of 6.5 acres preserved per pair of owls or single owl that would be affected by the proposed project. The number of owls for which mitigation is required shall be based on the combined results of the protocol-level surveys (i.e., if two pairs of owls are found to be within the project area, the mitigation requirement shall be 2 x 6.5 = 13 acres provided that no more than two pairs of owls are observed during the surveys; if three pairs of owls are observed during the surveys, then the mitigation requirement shall be 3 x 6.5 = 19.5 acres). A detailed mitigation and monitoring plan shall be developed for the burrowing owl mitigation area. This plan must be prepared in coordination with CDFG and approved by this agency. In lieu of this mitigation measure, as approved by CDFG, credit commensurate with the mitigation acreage requirements set forth above may be purchased from a qualified burrowing owl mitigation bank.

B) Preconstruction surveys of the tire sites shall be conducted no more than 30 days prior to ground disturbing activities. If more than 30 days lapse between the time of the preconstruction survey and the start of ground-disturbing activities, another preconstruction survey must be completed. This process shall be repeated until the tire restoration work is initiated and well underway.

C) If western burrowing owls must be passively relocated from the project area to remove them from harms way, these activities shall be approved by CDFG in advance. Passive relocation shall not commence before September 30th and shall be completed prior to February 1st.

D) If an upland mitigation site is designated for burrowing owls, it shall be approved as a suitable burrowing owl mitigation property by CDFG. The preserved area shall be preserved in perpetuity as wildlife habitat via recordation of a conservation easement that designates the California Department of Fish and Game (CDFG), or any other qualified conservation organization as approved by CDFG as the Grantee of the easement.

E) If a conservation easement is established over burrowing owl habitat, an endowment to cover the management of the mitigation area and implementation of the mitigation and monitoring plan shall be provided by the project applicant to the Grantee of the Conservation Easement prior to issuance of the grading permit.

Implementation of this mitigation measure would reduce the impacts to burrowing owl to a less-than significant level pursuant to CEQA.

Impact 3. Impacts to California Red Legged Frog

The California red-legged frog is a federally listed threatened species and a state species of special concern. The proposed project will not result in direct impacts to the drainages other than temporary impacts during tire removal. The CRLF is known from permanent and intermittent ponds, wetlands, and creeks within habitat preserves within the Lakeville property. Even though the gullies do not provide suitable CRLF habitat, the proximity of known populations warrants attention. Additionally, there is the slight possibility that during the winter months, on a rainy night, a CRLF could move across the landscape from an established territory into one of the tire site drainages and seek refuge inside a partially buried tire. Thus impacts to this frog are considered potentially significant. Mitigation to offset this impact to a level regarded as less than significant pursuant to CEQA is discussed in the mitigation section below.

Mitigation Measure 3. Impacts to California Red Legged Frog

The following CRLF protection measures are consistent with the U.S. Fish and Wildlife Service's 1999 *Programmatic Consultation for CRLF.* Adherence to the conditions listed below would reduce impacts to a level considered less than significant.

A) All biologists conducting/implementing the protection measures will be "Service-approved" biologists (the U.S. Fish and Wildlife Service maintains a list of approved biologists).

B) The work area shall be surveyed two weeks prior to the commencement of work activities, including dewatering activities. If California red-legged frogs, tadpoles, or eggs are found, the U. S. Fish and Wildlife Service will be contacted for guidance and all work will be suspended until the U.S. Fish and Wildlife Service has determined the appropriate course of action.

C) An education program will be conducted by a qualified biologist for the construction personnel of this project. This education/training program will include a description of the frog and its habitat, a review of the Endangered Species Act and the federal listing of the frog, the general protection measures to be implemented to protect the frog and minimize take, and a delineation of the limits of the work area.

D) A "Service-approved" CRLF biologist will be present at the work site during all work in the creek and all initial work on the bank slope. After that time, the contractor will designate a person to monitor on-site compliance of the protection measures. The Service-approved biologist will have the authority to stop work activities if any actions are out of compliance with the protection measures.

E) All trash that might attract predators to the area will be properly contained and removed from the work site and disposed of regularly. All construction debris and trash will be removed from the site when work activities are complete.

F) All fueling and maintenance of equipment and vehicles, and staging areas will be at least 20 meters from a creek, or as far away as available space allows. The permittee will ensure that contamination of habitat does not occur and will have a plan to promptly address any accidental spills.

G) The project will not result in the spread of invasive weeds, and invasive exotic plants will be removed from the work area.

H) The tire sites will be revegetated using a native hydroseed mix to further protect the slopes.

I) The original gully configurations will be maintained and therefore there will be no net loss of Corps regulated "waters of the United States."

J) Access routes and staging areas will be minimized to limit the total area impacted. The boundaries of the work area will be clearly delineated and marked in the field.

K) Work will be completed between April 1 and October 1, or as approved by CDFG in the Streambed Alteration Agreement issued for the proposed project.

L) To control erosion, the applicant will implement the best management practices, as identified by the Regional Water Quality Control Board.

Impact 4. Rare, Threatened or Endangered Plants

No special-status plants have been mapped on or adjacent the to the tire sites. M&A believes that intensive fire suppression activities in and around tire piles for the last several years has removed any possibility that rare plants could occur at the tire piles and a zone of influence around these piles. The main tire piles contain no vegetation; temporary impacts to vegetation would be limited to the creation of temporary access roads and tire laydown areas in the non-native grasses adjacent to the tire piles.

Rare plant surveys were conducted by Harding Lawson Associates and Mr. Charlie Patterson in 1998 as baseline information for the Sears Point Master Plan project EIR. Additionally, Monk & Associates conducted rare plant surveys throughout the Infineon Raceway and Lakeville properties in advance of the Gale Force Mountain Bike Race in the spring and summer of 2005. No special-status plant species have been observed on the Infineon properties.

Mitigation Measure 4. Impacts to Rare, Threatened or Endangered Plants

As rare plant surveys have not been conducted at the tire pile sites per se, pre-construction rare plant surveys would be conducted prior to implementation of the tire removal project.

(b) *No Impact.* There are no locally-designated species in Sonoma County, and the County does not have a heritage tree ordinance in force.

(c) *Less than significant with mitigation.*

Impact 1. Impacts to the State of California Regulated by the California Department of Fish and Game

The proposed project may result in impacts to areas that are within the jurisdiction of the California Department of Fish and Game (CDFG). The bed, bank, and channels are within the jurisdiction of the CDFG Game pursuant to Section 1602 of Fish and Game Code. Impacts to CDFG jurisdictional features would be regarded as significant adverse impacts. Such impacts could be mitigated to a level considered less than significant pursuant to CEQA.

Mitigation Measure 1. Impacts to the State of California Regulated by the California Department of Fish and Game

Impacts to bed, bank, and channels the project will require the issuance of a Lake and Streambed Alteration Agreement as issued by the California Department of Fish and Game pursuant to Section 1602 of the California Fish and Game Code. Adherence to all requirements and conditions of the above mentioned permits would reduce impacts to a level considered less than significant.

Impact 2. Impacts to Waters of the State of California Regulated by the Regional Water Quality Control Board

The proposed project may result in impacts to areas that are within RWQCB jurisdiction pursuant to Section 401 of the Clean Water Act. Any impacts that would occur to "waters of the State" and stream channels from the proposed would be regarded as significant adverse impacts. Such impacts could be mitigated to a level considered less than significant pursuant to CEQA.

Mitigation Measure 2. Impacts to Waters of the State of California Regulated by the Regional Water Quality Control Board

Impacts to waters of the State can be reduced to less-than-significant levels through various means, including avoidance, minimization of impacts. The RWQCB does not have a formal method for technically defining what constitutes waters of the State; M&A expect that the RWQCB should remain consistent with the Corps' determination.

The project will require water quality certification and/or issuance of waste discharge requirements as issued by the Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act. Adherence to all requirements and conditions of the above mentioned permit would reduce impacts to a level considered less than significant.

Impact 3. Impacts to the Waters of the United States regulated by the U.S. Army Corps of Engineers

The proposed project may result in impacts to areas that are within the Corps' jurisdiction pursuant to Sections 404 of the Clean Water Act. Areas subject to potential jurisdiction by this agency include the gully features were the tire site are located and the areas immediately downstream. Any impacts that would occur to "waters of the United States" would be regarded as significant adverse impacts. Such impacts could be mitigated to a level considered less than significant pursuant to CEQA.

Mitigation Measure 3. Impacts to the Waters of the United States regulated by the U.S. Army Corps of Engineers

Impacts to waters of the United States can be reduced to less-than-significant levels through various means, including avoidance, minimization of impacts. Because only the Corps can determine the extent of its jurisdiction on any site, a wetland delineation would need to be conducted according to the 1987 Corps Wetland Delineation – Manual (U.S. Army Corps of Engineers 1987). A wetland delineation map was field confirmed on February 12,

2008 and will be finalized by the Corps in conjunction with the Nationwide Permitting process.

Corps jurisdictional areas will be avoided by the project where possible. Because full avoidance of waters of the United States is probably not possible, potential impacts will be minimized to the extent feasible. Impacts will also be minimized by the use of Best Management Practices and applicable permit conditions to protect jurisdictional features and ensure water quality in waters within the watershed. These practices will include some or all of the following: installing orange construction fencing, hay or gravel waddles, and other protective measures. During project construction, a biological monitor will be on-site to monitor the integrity of preserved wetlands and other waters.

The project will require authorization for use of Nationwide Permit 27 *Aquatic Habitat Restoration, Establishment, and Enhancement Activities* from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. Adherence to all requirements and conditions of the above mentioned authorizations would reduce impacts to a level considered less than significant.

(d) *Less than Significant.* The potential for wetlands to be impacted as a result of project activities will be minimized by implementation of Best Management Practices and adherence to applicable permit conditions to protect wetlands. These practices will include some or all of the following: installing orange construction fencing, hay or gravel waddles, and other protective measures. During project construction, a biological monitor will be on-site to monitor the integrity of preserved wetlands and other waters.

(e) *Less than Significant.* Although there could be some temporary interference with the movement of wildlife during construction, once the tire removal and restoration is complete the site will be returned to a natural condition.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
9.	**ENERGY AND MINERAL RESOURCES.** Would the proposal:				
a)	Conflict with adopted energy conservation plans?	[ ]	[ ]	[x]	[ ]
b)	Use non-renewable resources in a wasteful and inefficient manner?	[ ]	[ ]	[x]	[ ]
c)	Result in the loss of availability of a known mineral resource that would be of future value to the region and residents of the State?	[ ]	[ ]	[x]	[ ]

Comments:

(a) *No Impact.* The proposed tire removal project would not conflict with the provisions of any adopted energy conservation plans.

(b) *No Impact.* The proposed tire removal project would not involve the use of any non-renewable resources in a wasteful or inefficient manner.

(c) *No Impact.* No mineral resources of value to the region and the residents of the state have been identified at the project site, and the tire removal project would not result in the loss of availability of such resources.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
10.	**HAZARDS.** Would the proposal involve:				
a)	A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals, or radiation)?	[ ]	[ ]	[x]	[ ]
b)	Possible interference with an emergency response plan or emergency evacuation plan?	[ ]	[ ]	[x]	[ ]
c)	The creation of any health hazard or potential health hazard?	[ ]	[ ]	[x]	[ ]
d)	Exposure of people to existing sources of potential health hazards?	[ ]	[ ]	[x]	[ ]
e)	Increased fire hazard in areas with flammable brush, grass, or trees?	[ ]	[ ]	[x]	[ ]

Comments:

(a) *No Impact.* The proposed tire removal project would not involve the risk of accidental explosion or release of hazardous substances.

(b) *No Impact.* The proposed tire removal project would not interfere with any adopted emergency response plan or emergency evacuation plan.

(c) *No Impact.* The proposed tire removal project would not create any health hazard or potential health hazard.

(d) *No Impact.* The proposed project would not bring additional people into the vicinity that could be exposed to potential hazards.

(e) *Less than Significant.* The proposed tire removal project would be conducted in such a manner as to not increase the potential for fire above that of normal operating conditions. Fire breaks will be maintained around the tire removal sites and fire fighting equipment and water will be on site during project related activities for fire suppression in the unlikely event of a fire. Removal of the tires will result in a decreased fire hazard.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
11.	**NOISE.** Would the proposal result in:				
a)	Increases in existing noise levels?	[ ]	[ ]	[x]	[ ]
b)	Exposure of people to severe noise levels?	[ ]	[ ]	[x]	[ ]

Comments:

(a) *Less than Significant.* The proposed project would temporarily generate noise above ambient levels, but no persons live and/or work close enough to the project site to be exposed to project-related noise in excess of established standards.

(b) *Less than Significant.* The proposed project would temporarily generate noise above ambient levels in the project vicinity. However, no persons live and/or work close enough to the project site to be exposed to project-related noise in excess of established standards. Workers will be protected through implementation of appropriate personal protective equipment in accordance with a site specific health and safety plan.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
12.	**PUBLIC SERVICES.** Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:				
a)	Fire protection?	[ ]	[ ]	[x]	[ ]
b)	Police protection?	[ ]	[ ]	[x]	[ ]
c)	Schools?	[ ]	[ ]	[x]	[ ]
d)	Maintenance of public facilities, including roads?	[ ]	[ ]	[x]	[ ]
e)	Other governmental services?	[ ]	[ ]	[x]	[ ]

Comments:

(a) - (e): *No Impact.* The proposed tire removal project would not require the construction or expansion of any facilities needed to provide fire protection, police protection, education, roads or other public services.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
13.	**UTILITY SYSTEMS.** Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:				
a)	Power or natural gas?	[ ]	[ ]	[x]	[ ]
b)	Communications systems?	[ ]	[ ]	[x]	[ ]
c)	Local or regional water treatment or distribution facilities?	[ ]	[ ]	[x]	[ ]
d)	Sewer or septic tanks?	[ ]	[ ]	[x]	[ ]
e)	Storm water drainage?	[ ]	[ ]	[x]	[ ]
f)	Solid waste disposal?	[ ]	[ ]	[x]	[ ]
g)	Local or regional water supplies?	[ ]	[ ]	[x]	[ ]

Comments:

(a) - (g) *No Impact.* The proposed project would not require new utility services or connections to existing utility services.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
14.	**AESTHETICS.** Would the proposal:				
a)	Affect a scenic vista or scenic highway?	[ ]	[ ]	[x]	[ ]
b)	Have a demonstrable negative aesthetic effect?	[ ]	[ ]	[x]	[ ]
c)	Create light or glare?	[ ]	[ ]	[x]	[ ]

Comments:

(a) – (c) *No Impact.* The proposed project would not alter the aesthetics of the area other than removing tire piles to restore the natural landscape.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
15.	**CULTURAL RESOURCES.** Would the proposal:				
a)	Disturb paleontological resources?	[ ]	[ ]	[x]	[ ]
b)	Disturb archaeological resources?	[ ]	[x]	[ ]	[ ]
c)	Affect historical resources?	[ ]	[ ]	[x]	[ ]
d)	Have the potential to cause a physical change which would affect unique ethnic cultural values?	[ ]	[x]	[ ]	[ ]
e)	Restrict existing religious or sacred uses within the potential impact area?	[ ]	[ ]	[x]	[ ]

Comments:

(a) *No Impact.* No paleontological resources have been identified within the proposed tire pile project sites, and given the absence of either gravel deposits or sedimentary rock in the area, it is unlikely that such resources would be uncovered during the minor surface grading required for restoration.

(b) *Less Than Significant with Mitigation.* The presence or absence of cultural resources was analyzed by Tom Origer and Associates (January 12, 2007) and no archeological resources were discovered within the project sites. There remains the possibility that buried archeological materials could be found during ground disturbing work. A qualified archeologist and/or Tribal monitor shall be present during ground disturbing activities. If buried archeological materials are discovered, work shall be halted at the location of the discovery until a qualified archeologist and/or Tribal monitor completes a significance evaluation of the find(s) pursuant to Section 106 of the National Historic Preservation Act. If human remains are accidentally discovered or recognized, excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall cease immediately and the requirements specified in Title 14, California Code of Regulations, Section 15064.5(e) shall be followed. Adherence to the abovementioned requirements and conditions will reduce impacts to a level

considered less than significant.

(c) *No Impact.* The presence or absence of historical resources was analyzed by Tom Origer and Associates. No historical resources were identified within the project sites.

(d) *Less Than Significant with Mitigation.* The proposed project will restore the area to conditions similar to its previously undisturbed state. No fill will be introduced. No excavation will occur. The proposed tire removal project has the potential to result in some soil erosion during project execution associated with vegetation removal, preparation of staging areas, vehicular traffic on unpaved roads, removal of tires from the drainage, and minor surface grading to restore the existing drainage grade and create suitable conditions for the use of geotextile fabric and hydroseed. Removal of the tires and restoration of the project site will mitigate these impacts to a level considered less than significant.

(e) *No Impact.* No existing religious or sacred uses are associated with the tire sites.

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
16.	**RECREATION**. Would the proposal:				
a)	Increase the demand for neighborhood or regional parks or other recreational facilities?	[ ]	[ ]	[x]	[ ]
b)	Affect existing recreational opportunities?	[ ]	[ ]	[x]	[ ]

Comments:

(a) *No Impact.* The tire removal project would not increase the use of any existing neighborhood or regional parks or other recreational facilities.

(b) *No Impact.* The tire removal project would have no impact on existing recreational opportunities in the project vicinity.

E. MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less Than Significant w/ Mitigation	Less Than Significant or No Impact	Unknown Impact
1.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	[ ]	[x]	[ ]	[ ]
2.	Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	[ ]	[ ]	[x]	[ ]
3.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	[ ]	[x]	[ ]	[ ]
4.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	[ ]	[ ]	[x]	[ ]

(1) *Less than Significant w/ Mitigation.* Potential environmental impacts of the proposed project have been evaluated in the Environmental Impact Analysis Sections 1 through 16 of this Initial Study. The project has been designed to avoid and/or minimize potential impacts to existing plant and animal communities and mitigation measures have been included as appropriate. The project will restore localized areas of drainages currently filled with waste tires. Mitigations measures developed in consultation with, or based on guidance from, the U.S. Army Corp of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Fish and Game, California Regional Water Quality Control Board, San Francisco Bay Area, and the Bay Area Air Management District, and local agencies have been incorporated into the project to reduce the potential for environmental impacts to less than significant. The proposed tire removal project will not eliminate important examples of the major periods of California history or prehistory.

(2) *No Impact.* The project would not jeopardize the ability to achieve long-term environmental goals.

(3) *Less than Significant w/ Mitigation* To the extent that project-related effects on biological resources may place the existence of special status species or their habitats in jeopardy, these impacts could be considered cumulatively considerable if not mitigated. Incorporation of mitigation measures described in Sections 4, 5, 6, and 8 and compliance with project specific plans and permits will reduce the potential cumulative impacts to less than significant.

(4) *No Impact.* The tire removal project would have no substantial adverse effects on human beings.

05/08/2009

Signature Date

WES MINDERMANN SWME

Printed Name Title

G. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. [Section 15063(c)(3)(D).] In this case a discussion should identify the following on attached sheets:

1. Earlier analyses used. Identify earlier analyses and state where they are available for review.

2. Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

3. Mitigation measures. For effects that are "Potentially Significant," but are addressed with mitigation measures, describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

H. SOURCES AND REFERENCES

1. Giblin Associates. Geotechnical Consultation Report, Infineon Raceway Proposed Tire Removal, December 21, 2006. (*Provided on CD.*)
2. Monk & Associates. Biological Resource Analysis, Infineon Raceway Legacy Tire Removal. January 2007. (*Provided on CD.*)
3. Tom Origer and Associates. A Cultural Resources Survey for the Infineon Tire Removal Project: Sonoma County, California, January 12, 2007. (*Provided on CD.*)
4. Sears Point Raceway Master Plan Project Amended Environmental Impact Report SCH#98012044.
5. Monk & Associates. Preconstruction Notice for the Infineon Legacy Tire Project, Sonoma County. January 8, 2008. (*Provided on CD.*)
6. Department of Fish and Game, Bay Delta Region. Streambed Alteration Agreement Notification Number 1600-2007-0526-3. February 20, 2008. (*Provided on CD.*)
7. Monk & Associates. Application for 401 Water Quality Certification. November 21, 2007. (*Provided on CD.*)